REMARKS

The present Amendment is submitted in response to the Official Action of September 19, 2008, and is filed concurrently with a request for continued examination. In the Official Action, all of the claims were rejected under 35 U.S.C. § 103(a) as being obvious over International Published Patent Application No. WO 02/057959 to Rothmuller *et al.* ("*Rothmuller*") in view of U.S. Patent Application Publication No. 2003/0156138 to Vronay *et al.* ("*Vronay*").

By this Amendment, Claims 1, 6, 7, 20-22, 26, 31, 32, 37, 42-44, and 47 have been amended. Reconsideration of all of the pending claims in view of the preceding amendments and the following remarks is respectfully requested.

Independent Claim 1 of the present application reads

1.   A product comprising:
       a computer readable storage medium; and
       computer-readable program instructions embodied in the medium,
the computer–readable program instructions including:
              first instructions for receiving manual entry of events and generating a calendar view that represents time in calendar format and visually associates events with respective periods of time; and
              second instructions for generating a media view that provides access to digital media files and associates digital media files with a period of time,
              wherein at least one of the events is created and represented in the calendar view independent of any digital media files.

Independent Claims 20, 22, 26, 32, and 37 respectively include similar recitations involving "manually entered events" that are "visually associated" with respective periods of time in a calendar view, albeit in slightly differing forms.

As has been discussed previously, *Rothmuller* is directed to a method and computer program product for "storing, cataloguing, managing, organizing, finding, and displaying objects such as digital images." *See* Abstract. "The invention includes methods for associating ("tagging") fields of text and numeric data ("metadata") with individual objects such as images or photos," and organizing the objects based on their tags. *See* p. 1, ll. 26-7.

Vronay is directed to a calendar-based interface system that associates computer-related events, and other events, based upon when they occur. The calendar user interface system utilizes a calendar as a top-level user interface for accessing computer information. The calendar-based interface system utilizes system-wide monitoring of the user and associations between various computer files, people, and other information related to the user. This allows a user to view and assign searchable metadata (*e.g.*, metadata relating to associated dates) and to retrieve computer information that matches selected metadata. *See* Abstract. Notably, the "events" discussed in *Vronay* are not manually created events, but instead "the calendar-based interface system . . . utilizes a calendar as a dynamic application that does not require direct user input . . ." *See* ¶ [0007].

Overall, it appears that neither *Rothmuller* nor *Vronay* discloses "receiving manual entry of events and generating a calendar view that represents time in calendar format and visually associates events with respective periods of time," as recited, in one form or another, in each of independent Claims 1, 20, 22, 26, 32, and 37. Instead, both *Rothmuller* and *Vronay* are directed generally to file management systems, and have little to do with the manual entry of events.

The Official Action states that

> Vronay similarly discloses a calendar based user interface that associates various computer files and other information with associated dates and metadata (paragraph 4). In addition to using the calendar to track computer files, users may specify appointments, meetings, etc. (paragraph 5) which are marked on the calendar to allow users to easily track important events (paragraph 42). These created events may additionally, though not necessarily, be associated with files (paragraph 6). Since Rothmuller discloses using a calendar to manage and organize objects, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the method of creating events using the calendar, as taught by Vronay. This would allow use of the calendar to easily track important events.

See p. 3 of the Official Action. However, the Official Action appears to mischaracterize *Vronay*, as Paragraph [0005] of *Vronay* states that the "system of the present invention automatically associates and tracks time-related events, user computer activities, and information related to when the user works with documents, etc. on the computer." As such, *Vronay* does not contemplate "manual entry of events" in addition to the automatic association of events, computer activities, and information related to document use.

Overall, Applicants respectfully submit that neither *Rothmuller* nor *Vronay* discloses "receiving manual entry of events and generating a calendar view that represents time in calendar format and visually associates events with respective periods of time," as recited, in one form or another, in each of independent Claims 1, 20, 22, 26, 32, and 37. As such, the combination of *Rothmuller* and *Vronay* also fails to disclose this aspect. For at least this reason, Applicants respectfully submit that Claims 1, 20, 22, 26, 32, and 37, and the claims depending therefrom, are patentable over *Rothmuller* and *Vronay*, taken alone or in combination.

In addition to the above, regarding Claim 3, the Official Action states

> Claim 3: Rothmuller and Vronay disclose the product of claim 1, wherein the first and second instructions operate concurrently to generate a timeline view that combines the calendar view and the media view (Rothmuller, page 6, lines 9-23).

See p. 4 of the Official Action.

Claim 3 reads

> 3. The product of Claim 1, wherein the first and second instructions operate concurrently to generate a timeline view that combines the calendar view and the media view.

Reviewing the cited passage from *Rothmuller*, this passage is directed to editing photos and associated metadata, and also to methods for searching a database using metadata tags. There is no mention of a timeline view (or any view) that "combines the calendar view and the media view" as recited in Claim 3. Indeed, nowhere does *Rothmuller* disclose or contemplate this aspect. Applicants therefore respectfully submit that Claim 3 is patentable over the combination of *Rothmuller* and *Vronay* for at least this additional reason.
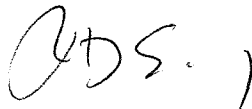
CONCLUSION

In view of the claim amendments and remarks presented above, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

Richard D. Emery
Registration No. 58,894

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

**ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE
UNITED STATES PATENT & TRADEMARK OFFICE ON January 14, 2009.**

LEGAL02/31071075v1